



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

April 25, 2005

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bob Baker, Vice President  
Dallas Avionics, Inc.  
2525 Santa Anna Ave.  
Dallas, Texas 75228

Re: File No. EB-05-SE-007

Dear Mr. Baker:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Communications Act"), 47 U.S.C. § 503(b)(5), for marketing an unauthorized radio frequency device in the United States in violation of Section 302(b) of the Communications Act, 47 U.S.C. § 302a(b), and Section 2.803(a) of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803(a). As explained below, future violations of the Rules in this regard may subject your company to monetary forfeitures.

By letter dated March 11, 2005, the Spectrum Enforcement Division of the Commission's Enforcement Bureau initiated an investigation into whether Dallas Avionics, Inc., ("Dallas") is domestically marketing unauthorized radio frequency devices, specifically, the Global Positioning Satellite ("GPS") Re-radiating Kit HNRRKIT ("GPS re-radiating device" or "device"). You responded by letter dated March 30, 2005.<sup>1</sup> In your response, you stated that Dallas marketed the subject GPS re-radiating devices from May 1999 to March 2005 and that you have removed this item from your website. Your records show that Dallas sold 261 devices during that timeframe, approximately 98 percent of which were sold to non-federal government entities. You also stated that Dallas did not import the equipment, but purchased the devices domestically for re-sale from GPS Networking. You further stated that Dallas did not manufacture or modify the devices for re-sale and did not warranty or repair the components. You indicated that Dallas believed that the devices could be sold as an extension of the manufacturer's authority to produce them, although you acknowledge that the devices have no FCC approval.

Section 302(b) of the Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Commission's implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has

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<sup>1</sup> Letter from Bob Baker, Vice President, Dallas Avionics, Inc., to Kathryn S. Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau (March 30, 2005).

been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators, such as the GPS re-radiating devices, must be authorized in accordance with the FCC's certification procedures prior to the initiation of marketing. Moreover, the GPS re-radiating devices operate in frequency bands used for GPS, which are within the restricted frequency bands listed in Section 15.205(a) of the Rules, 47 C.F.R. § 15.205(a). Section 15.205(a) allows intentional radiators to transmit only spurious emissions<sup>2</sup> in the restricted frequency bands. Thus, the GPS re-radiating devices apparently cannot comply with the FCC's technical standards and therefore would not be capable of receiving a grant of equipment certification. Accordingly, it appears that Dallas has violated Section 302(b) of the Act and Section 2.803(a) of the Rules by marketing unauthorized radio frequency devices.

**If, after receipt of this citation, you violate the Communications Act or the Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed eleven thousand dollars (\$11,000) for each such violation or each day of a continuing violation.**<sup>3</sup>

You may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that you are taking to ensure that you do not violate the Commission's rules governing the marketing of radio frequency equipment in the future.

**The nearest Commission field office appears to be the Dallas Office in Dallas, Texas. Please call Jennifer Burton at 202-418-1160 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:**

Kathryn Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, S.W., Rm. 7-C802  
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

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<sup>2</sup> 47 C.F.R. § 2.1 defines spurious emissions as "Emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions."

<sup>3</sup> See 47 C.F.R. § 1.80(b)(3).

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission